

SO ORDERED: January 04, 2011.



A handwritten signature in black ink, reading "Basil H. Lorch III".

**Basil H. Lorch III**  
**United States Bankruptcy Judge**

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch III

**ORDER GRANTING TRUSTEE'S EMERGENCY MOTION FOR ORDER  
AUTHORIZING CHAPTER 11 TRUSTEE TO SETTLE A CLASS OF CONTRACTS  
PURSUANT TO BR 9019(B)**

This matter came before the Court on the Emergency Motion For Order Authorizing Chapter 11 Trustee To Settle A Class Of Contracts Pursuant To BR 9019(B) ("Motion") filed by James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), for entry of an Order granting the Trustee the authority to settle contracts under which Eastern Livestock Co., LLC ("Debtor") is obligated to purchase cattle ("Forward Purchase Contracts"). A limited joint objection to the Motion was filed by Friona Industries, LP, Cactus Growers, Inc. and J&F Oklahoma Holdings, Inc. (the "Objection"). The Court, having considered the Motion, the Objection, argument presented at the duly noticed telephonic hearing held January 4, 2011 at 10:00 a.m. EST (the "Hearing") hereby finds that the settlement of the Forward Purchase

Contracts is within the ordinary course of the Debtor's business and that the emergency circumstances related to the expiring Forward Purchase Contracts as described in the Motion and at the Hearing justifies the authority requested by the Trustee and

IT IS THEREFORE ORDERED that:

- A. The Objections are overruled.
- B. The Motion is granted.
- C. The Trustee is authorized immediately and in his discretion to settle (by cancellation or otherwise) the Forward Purchase Contracts so as to reasonably attempt to maximize the value to the Debtor's estate as determined within the Trustee's business judgment.
- D. As may be practicable, the Trustee will provide such information as the Trustee may have and readily available to him under the circumstances, on Forward Purchase Contracts that have not yet expired by providing that information in electronic format to persons who request such information by sending an email request to HNS@kgrlaw.com. The Trustee will, to the extent practicable, also post the information on the website established by the Trustee: easternlivestockbkinfo.com.
- E. The Trustee's authority to settle the Forward Purchase Contracts includes the authority to sell any Forward Purchase Contract by assuming and/or assuming and assigning any Forward Purchase Contract notwithstanding any anti assignment provision and such assumption and assignment (free and clear of liens) is determined to be valid and final under sections 363 and 365.
- F. On or before January 31, 2011, and by the end of each succeeding month in which an executory Forward Purchase Contract exists, the Trustee will file a report indentifying the actions taken by the Trustee under the authority granted by this Order.

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